### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

BOOK PEOPLE, INC., VBK, INC., d/b/a	§	
BLUE WILLOW BOOKSHOP,	§	
AMERICAN BOOKSELLERS	§	
ASSOCIATION, ASSOCIATION OF	§	
AMERICAN PUBLISHERS, AUTHORS	§	
GUILD, INC., and COMIC BOOK LEGAL	§	
DEFENSE FUND,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action 1:23-cv-00858-ADA
	§	
MARTHA WONG, in her official capacity	§	
as chair of the Texas State Library	§	
Archives Commission, KEVIN ELLIS, in	§	
his official capacity as chair of the Texas	§	
Board of Education, and MIKE MORATH,	§	
in his official capacity as Commissioner	§	
of Education,	§	
	§	
Defendants.	§	

## UNOPPOSED MOTION TO FILE EDUCATIONAL BOOK & MEDIA ASSOCIATION'S *AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

#### TO THE HONORABLE DISTRICT JUDGE ALAN ALBRIGHT:

Educational Book & Media Association respectfully moves, pursuant to the Court's inherent authority, to file a brief as *amicus curiae* supporting the Plaintiffs' Motion for Preliminary Injunction (Doc. 6). A copy of the proposed brief is filed herewith.

#### I. Interest of Amicus Curiae

Educational Book & Media Association ("EBMA") is a trade association that represents more than 100 publishers and wholesalers who sell books and educational materials to schools in Texas. As described in the accompanying amicus brief, EMBA and its members will be

impacted by Texas' newly enacted Restricting Explicit and Adult Designated Educational Resources Act, which is set to become effective on September 1, 2023. EBMA supports the Plaintiffs' request for relief.

#### II. Relief sought.

The Educational Book and Media Association seeks leave of this Court to file an *amicus* curiae brief in support of Plaintiffs' Motion for Preliminary Injunction, filed herewith.

Respectfully submitted,

By: /s/ Peter D. Kennedy

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### ATTORNEYS FOR AMICI CURIAE EDUCATIONAL BOOK AND MEDIA ASSOCIATION

### **CERTIFICATE OF CONFERENCE**

I certify that on August 30, 2023, I conferred with counsel of record for Plaintiffs and Defendants regarding whether they opposed the relief requested in this motion, and counsel for both Plaintiffs and Defendants indicated that they have no opposition.

/s/ Peter D. Kennedy
Peter D. Kennedy

# **CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF electronic filing system, which will send notification of such filing to all counsel of record.

/s/ Peter D. Kennedy
Peter D. Kennedy